IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 25TH MAY 2007 / 4TH JYAISHTA 1929

WA.No. 1122 of 2007()

{IN WPC.11341/2007 OF THIS COURT}
.....

APPELLANT: PETITIONER:

DR.JOHNY, AGED 67, S/O.M.C.CHAKKAPPAN,
MEDICAL PRACTITIONER, MANJALY HOUSE, PUTHUKAD,
THORAVA VILLAGE, MUKUNDAPURAM TALUK,
THRISSUR DISTRICT PIN-680 301.

BY ADV. SRI.SHAJI CHIRAYATH
SMT.JIJI M. VARKEY

RESPONDENTS: RESPONDENTS IN WRIT PETITION
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1. SOUTH INDIAN BANK LIMITED, SIB HOUSE,
T.B.ROAD, THRISSUR DISTRICT, PIN- 680 001
REPRESENTED BY ITS MANAGING DIRECTOR.

2. BRANCH MANAGER, SOUTH INDIA BANK LIMITED
1ST FLOOR, PUBLIC FUND LTD.,GOLDEN JUBILEE
BUILDING, MAIN ROAD, PUTHUKAD, THRISSUR DISTRICT,
PIN- 680 301.

3. CHIEF MANAGER/AUTHORISED OFFICER,
SOUTH INDIA BANK LIMITED, REGIONAL OFFICE,
SIB BUILDING, ROUND SOUTH, THRISSUR DISTRICT,
PIN 680 001.

4. DEBTS RECOVERY TRIBUNAL,
KERALA & LAKSHADEEP, HOUSING BOARD BUILDINGS,
PANAMPILLY NAGAR, ERNAKULAM, PIN- 682 036.

BY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 25/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

W.A. No.1122 of 2007

Dated this, the 25th day of May, 2007.

JUDGMENT

H.L. DATTU, C.J.

The primary relief that was sought for by the petitioner in the writ petition was to quash the notice issued by the first respondent bank under Section 13(4) of the Securitisation and Reconsideration of Financial Assets and Enforcement of Security Interest Act, 2002.

2. The first respondent bank is a private bank. The learned single Judge, keeping in view the well settled principle that no writ would lie against a body which would not fall within the purview of State or other authority, has rejected the writ petition. Aggrieved by the same, the petitioner is before us in this appeal.

3. Admittedly, the first respondent bank is a private bank and it is not created either under the statute or is not performing any governmental function. Therefore, the said bank does not come within the meaning of 'other authority'

falling under Article 12 of the Constitution of India.

4. In that view of the matter, in our opinion, the learned single Judge was justified in rejecting the writ petition for the sole reason that the first respondent bank is not amenable to writ jurisdiction.

In view of the above, we do not see any ground to interfere with the order passed by the learned single Judge. Accordingly, the appeal deserves to be rejected and it is rejected.

Sd/-
H.L. DATTU,
CHIEF JUSTICE.

Sd/-
K.T. SANKARAN,
JUDGE.

sk/DK.

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P.S. To Judge